

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

NEVRO CORP.,

Plaintiff,

v.

STIMWAVE TECHNOLOGIES, INC.,

Defendant.

C.A. No. 19-325-CFC

~~PROPOSED~~ ORDER REGARDING
PRELIMINARY INJUNCTION MOTION

WHEREAS, plaintiff Nevro Corp. ("Nevro") filed a motion for preliminary injunction on April 17, 2019, along with an opening brief and supporting declarations;

IT IS HEREBY ORDERED that the following schedule and procedures shall govern the Court's consideration of Nevro's motion for preliminary injunction:

1. Expedited Discovery. The parties shall serve objections, if any, to written discovery requests within nine days of service of the requests, and shall provide substantive responses to written discovery requests and complete the substantial production of responsive documents within 15 days of service of the written discovery requests.

2. Depositions. ~~[NEVRO'S PROPOSAL:~~¹ Each party shall be permitted to take up to 30 hours of depositions in connection with the preliminary injunction motion.] ~~[STIMWAVE'S PROPOSAL.~~² Each party shall be permitted to take one Rule 30(b)(6) deposition of the opposing party in connection with the preliminary injunction motion. In addition, each party shall be permitted to take the deposition of any individuals submitting declarations in connection with the motion for preliminary injunction. The total deposition time shall not exceed 30 hours. The depositions contemplated by this sub-paragraph shall not otherwise count against the limits on depositions otherwise set forth in the Court's Scheduling Order.]


¹ **Nevro's Statement:** Nevro believes that any further restrictions on depositions are unnecessary, so long as the parties are limited to 30 total hours of depositions and must plan their discovery accordingly. Counsel for Nevro understood that to be the parties' agreement and read that understanding into the record yesterday without objection from Stimwave.

² **Stimwave's Statement:** In D.I. 25 at 1-2, Nevro proposed the parties be permitted one Rule 30(b)(6) deposition along with depositions of any individuals submitting declarations in connection with the preliminary injunction proceedings. During the parties' negotiations in the April 18 conference, Stimwave proposed further limiting this to two depositions selected from a Rule 30(b)(6) witness and any declarants. Nevro then proposed a 30 hour limit. Stimwave understood Nevro's proposal to be an outer limit for the deposition time for the categories of deponents originally proposed by Nevro and on that basis agreed to the proposal and did not believe there was anything to object to when the agreement was read. Stimwave believes depositions should be limited to the individuals directly involved in the PI.

3. Briefing. Nevro shall file a supplemental opening brief in support of its motion for preliminary injunction no later than **midnight EDT on May 7, 2019**. Stimwave shall file its answering brief in opposition to the motion for preliminary injunction no later than **midnight EDT on May 30, 2019**. Nevro shall file its reply brief in support of its motion for preliminary injunction no later than **4:00 pm EDT on June 17, 2019**. Plaintiff's supplemental opening brief shall be limited to 1,250 words, Defendant's answering brief shall be limited to 7,500 words, and Plaintiff's reply brief shall be limited to 3,750 words. The text for each brief shall be 14-point font and in Times New Roman or a similar typeface, and shall include a certification by counsel that the brief complies with the type and number limitations.

4. Hearing. The Court shall hold a hearing to consider the motion for preliminary injunction on **June 27, 2019**, beginning at 9⁰⁰ a.m.

DATED: April 22, 2019



Honorable Colm F. Connolly
UNITED STATES DISTRICT JUDGE